

1       1 Joel E. Boxer - State Bar No. 50169  
2           jeb@birdmarella.com  
3       2 Bonita D. Moore - State Bar No. 221479  
4           bdm@birdmarella.com  
5       3 BIRD, MARELLA, BOXER, WOLPERT,  
6           NESSIM, DROOKS & LINCENBERG, P.C.  
7       4 1875 Century Park East, 23rd Floor  
8           Los Angeles, California 90067-2561  
9       5 Telephone: (310) 201-2100  
10      Facsimile: (310) 201-2110  
11  
12      6 Attorneys for James P. Spears and Andrew  
13      M. Wallet as Co-Conservators of the Estate  
14      of Britney Jean Spears, on behalf of  
15      Defendant Britney Jean Spears

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

NOV 1 2011

John A. Clarke, Executive Officer/Clerk  
BY M. Flores, Deputy  
Mary Flores

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

12 | SAM LUTFI, an individual

CASE NO. BC 406904

13 Plaintiff,

14 |

vs.

15 LYNNE IRENE SPEARS, an individual,  
16 JAMES PARNELL SPEARS, an  
individual, BRITNEY JEAN SPEARS, an  
17 individual; and DOES 1 through 25,  
inclusive.

**NOTICE OF MOTION AND MOTION  
TO COMPEL DEPOSITION  
TESTIMONY OF PLAINTIFF;  
MEMORANDUM OF POINTS AND  
AUTHORITIES; DECLARATION OF  
JOEL E. BOXER**

Date: November 28, 2011  
Time: 8:30 a.m.  
Dept.: 23

*Assigned to Hon. Zaven V. Sinanian,  
Dept. 23*

Action Filed: February 3, 2009  
Trial Date: January 23, 2012

22 TO PLAINTIFF, HIS COUNSEL OF RECORD AND ALL OTHER  
23 INTERESTED PARTIES:

24 PLEASE TAKE NOTICE that at 8:30 a.m. on Monday, November 28, 2011, in  
25 Department 23 of the Los Angeles Superior Court, located at 111 North Hill Street, Los  
26 Angeles, CA 90012, or as soon thereafter as the matter may be heard, Defendants James  
27 P. Spears and Andrew M. Wallet as Co-Conservators of the Estate of Britney Jean Spears,  
28 on behalf of Defendant Britney Jean Spears (the "Co-Conservators") will move the Court

**NOTICE OF MOTION AND MOTION TO COMPEL DEPOSITION TESTIMONY OF PLAINTIFF;  
MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF JOEL E. BOXER**

1 pursuant to California Code of Civil Procedure § 2025.450 for an order compelling  
2 Plaintiff "Sam" Lutfi to appear for the resumption and completion of his deposition on  
3 consecutive days (Saturdays, Sundays and Court holidays excluded), commencing  
4 Wednesday, November 30, 2011, or on such other date or dates selected by the Court.

5 This motion is based on this notice, the attached memorandum and declarations, any  
6 reply papers submitted in support of the motion, the files and records of this case and such  
7 matters as will be considered by the Court at the time of oral argument on the motion.

Joel E. Boxer  
Bonita D. Moore  
BIRD, MARELLI  
NESSIM, DR

By:

~~Joel F. Boxer~~

Attnorneys for James P. Spears and Andrew M. Wallet as Co-Conservators of the Estate of Britney Jean Spears, on behalf of Defendant Britney Jean Spears

## **MEMORANDUM OF POINTS AND AUTHORITIES**

This is the most straightforward of discovery motions: Plaintiff has failed to appear for the resumption and completion of his deposition despite numerous efforts by defense counsel to arrange for the resumed deposition examination.

5        Shortly after the filing of this case, counsel for the Co-Conservators sought the  
6 deposition of the plaintiff, Sam Lutfi by noticing the Lutfi deposition for March 11, 2009.  
7        While that date ultimately did not work out, Lutfi's prior counsel agreed that the Lutfi  
8 deposition would be completed before any other party deposition would commence and  
9 that priority agreement was memorialized and referenced in at least two emails between  
10 the Co-Conservator's counsel and Lutfi's prior counsel.<sup>1</sup> In September 2009, all discovery  
11 was stayed by Court order pending defendant Lynne Spears' appeal from the denial of her  
12 anti-SLAPP motion.<sup>2</sup> After the remittitur issued in early 2011, defense counsel reminded  
13 Lutfi's new counsel, Joseph Schleimer, of the priority agreement that Lutfi's deposition  
14 would be taken before any other depositions are conducted in this case.<sup>3</sup> Counsel for Lutfi  
15 acknowledged his predecessor's deposition discovery priority agreement and – after some  
16 wrangling –produced Lutfi for his deposition on April 25, 2011.

17        Unfortunately, Lutfi’s counsel announced in the middle of the afternoon on April  
18 25, 2011 that he had a previously undisclosed (and unspecified) commitment that allegedly  
19 required him to leave in 15 minutes and that the deposition would therefore end for the  
20 day. Moreover, although the deposition had been noticed “from day to day” until  
21 completed, Lutfi’s counsel refused to continue the deposition that week or any time  
22 subsequent.<sup>4</sup>

At the last Court hearing (on June 15, 2011) defense counsel inquired of Lutfi's

<sup>1</sup> See Declaration of Joel E. Boxer (“Boxer Decl.”), ¶ 2, Exs. A-C.

<sup>2</sup> Boxer Decl., ¶ 2.

<sup>3</sup> Boxer Decl., ¶ 3.

<sup>4</sup> Boxer Decl., ¶ 4, Ex. D.

1 counsel when he would produce his client for completion of his deposition. At that time,  
2 Lutfi's counsel stated that he was not available for a resumed Lutfi deposition until after  
3 the Mandatory Settlement Conference set for September 16, 2011.<sup>5</sup>

4 When the case did not settle at the September 16, 2011 Mandatory Settlement  
5 Conference, the undersigned again asked Lutfi's counsel for deposition dates for the  
6 Plaintiff. When none were forthcoming, defense counsel sent out a formal notice  
7 scheduling the resumption of the Lutfi deposition for October 11, 2011 along with a letter  
8 explaining that other dates were possible if October 11, 2011 was an inconvenient date for  
9 Lutfi's counsel or his client.<sup>6</sup> In other words, the Co-Conservators had only selected  
10 October 11 for a resumption because of the continued "radio silence" from Lutfi's counsel  
11 and the defendants' counsel would still accommodate any reasonable requests as to  
12 scheduling.

13 Less than a week before the October 11, 2011 deposition resumption date, Lutfi's  
14 counsel announced to defense counsel that he had been ordered by a discovery referee in  
15 an unidentified case to conduct three depositions on October 11, 2011. Lutfi and his  
16 counsel did not appear for his deposition on October 11, 2011 nor have they committed to  
17 firm alternative dates for the resumption and completion of Lutfi's deposition.<sup>7</sup>

18 Lutfi's delay in resuming and completing his deposition is manifestly prejudicial to  
19 Defendants' trial preparation. This is particularly true for this case which is an amalgam of  
20 three distantly related claims – breach of an alleged oral contract against Britney Spears  
21 allegedly entered into shortly before she was made the subject of a conservatorship; an  
22 alleged assault case against Ms. Spears' father (co-conservator James P. Spears) based on  
23 Lutfi's version of an encounter in late January 2008; and Lutfi's claim he was defamed

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25 \_\_\_\_\_  
26 <sup>5</sup> Boxer Decl., ¶ 6.  
27 <sup>6</sup> Boxer Decl., ¶ 7-8, Exs. E & F.  
28 <sup>7</sup> Boxer Decl., ¶ 9, Ex. G.

1 when Ms. Spears' mother re-told in a book released in mid-2008 the story of how the  
2 conservatorship came about in early 2008. Defense counsel on the oral contract claim,  
3 which involves damages claims in the millions of dollars, is about one-third to one-half  
4 way through his deposition outline, while separate counsel for each of the two individual  
5 defendants have not even started their examinations of Lutfi.<sup>8</sup>

6 This motion is being served on November 1, 2011, the last possible filing date  
7 before the reserved hearing date of November 28, 2011. If by that hearing date the Lutfi  
8 deposition is not resumed and completed, this means Plaintiff's foundational deposition  
9 will not have been completed by November 28, 2011.<sup>9</sup> The following deadlines loom on  
10 the horizon:

11	Designation of Expert Witnesses	12/5/11
12	Continued Mandatory Settlement Conference	12/14/11
13	Last Day to File Motions In Limine	12/19/11
14	Percipient Witness Discovery Deadline	12/27/11

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25     <sup>8</sup> Boxer Decl., ¶ 5.

26     <sup>9</sup> If the Lutfi deposition is completed between the November 1, 2011 filing of this motion  
27 and the November 28, 2011 hearing date, the moving party will promptly so advise the  
Court and request that this motion go off calendar.

28

1 The authority of this Court to order Plaintiff to appear for the resumption of his  
2 deposition is beyond dispute. CCP § 2025.450. Defendants respectfully request such an  
3 order requiring Plaintiff to attend his deposition commencing Wednesday, November 30,  
4 2011 at 9:30 a.m., and continuing day-to-day thereafter (Saturdays, Sundays and Court  
5 holidays excepted) at the offices of defense counsel, Bird, Marella, Boxer, Wolpert,  
6 Nessim, Drooks & Lincenberg, 1875 Century Park East, Suite 2300, Los Angeles, CA  
7 90067; telephone: (310) 201-2100.

9 | DATED: November 1, 2011

Respectfully submitted,

Joel E. Boxer  
Bonita D. Moore  
BIRD, MARELLI  
NESSIM, DR

By:

~~Joel E. Boxer~~

~~Attn:~~ Attorneys for James P. Spears and Andrew M. Wallet as Co-Conservators of the Estate of Britney Jean Spears, on behalf of Defendant Britney Jean Spears

**DECLARATION**

## **DECLARATION OF JOEL E. BOXER**

I, Joel E. Boxer, declare as follows:

3       1. I am an active member of the Bar of the State of California and a Principal  
4 with Bird, Marella, Boxer, Wolpert, Nessim, Drooks & Lincenberg, A Professional  
5 Corporation, attorneys of record for James P. Spears and Andrew M. Wallet as Co-  
6 Conservators of the Estate of Britney Jean Spears, on behalf of Defendant Britney Jean  
7 Spears (the “Co-Conservators”) in this action. I have been the lead lawyer representing the  
8 Co-Conservators in the within action since its inception and, as such, have first-hand  
9 knowledge of the facts set forth in this declaration. If called as a witness at any hearing or  
10 trial I would testify as to the facts set forth below based on my first-hand knowledge.

11       2. This case was filed on February 3, 2009. At that time Plaintiff Sam Lutfi –  
12 whose legal name is Osama Lutfi – was represented by Bryan Freedman and Bradley  
13 Kreshek of Freedman & Taitelman. My office first noticed the Lutfi deposition on March  
14 11, 2009. [A true and correct copy of this notice is attached hereto as Exhibit “A.”] On  
15 April 8, 2011, my colleague, Bonita Moore and Mr. Kreshek memorialized in writing that  
16 the Lutfi deposition would have priority, *i.e.*, would be taken before any other deposition.  
17 [A true and correct copy of Ms. Moore’s email to Plaintiff’s counsel dated April 8, 2001 is  
18 attached hereto as Exhibit “B”.] Defendants’ priority to conduct the Lutfi deposition first  
19 is also referenced in my email to his counsel the following week. [A true and correct copy  
20 of my email dated April 16, 2001 is attached hereto as Exhibit “C”.] Subsequently, the  
21 Court denied an anti-SLAPP motion filed by co-defendant Lynne Spears, who appealed as  
22 a matter of right from the order. To avoid a multiplicity of depositions by different  
23 defendants, Mr. Friedman and I, along with the other defense counsel, agreed to ask the  
24 Court to stay the case pending the resolution of the appeal from the denial of the anti-  
25 SLAPP motion. Based on the agreement of the parties, the Court ordered in September  
26 2009 a stay of the entire case pending the appeal on the anti-SLAPP ruling.

27       3. While the case was on appeal, Mr. Lutfi changed counsel and substituted in  
28 his present counsel, Joseph Schleimer. Lynne Spears' appeal was unsuccessful. After the

1 remittitur issued in January of this year, Mr. Schleimer, without consulting with any  
2 defense counsel and without clearing any dates in advance, unilaterally sought to notice a  
3 deposition. I protested on, among other grounds, that his taking a deposition first would  
4 violate the deposition priority to which Mr. Schleimer's predecessor had agreed in April  
5 2009 on behalf of Plaintiff.

6       4.     Mr. Schleimer finally agreed to produce Lutfi for his deposition commencing  
7 on April 25, 2011. Although the deposition notice for the resumed Lutfi deposition [a true  
8 and correct copy of which is attached hereto as Exhibit "D"] called for this deposition to  
9 continue from day to day, the deposition ended on April 25, 2011 when Mr. Schleimer  
10 announced mid-afternoon that he had to leave at 4:30 p.m., without agreeing to produce his  
11 client for the following day or any other specific date.

12       5.     I estimate I have one to two additional days of deposition examination to  
13 conduct; the co-defendants, one of whom is sued for defamation and the other for assault  
14 and battery, will also need time – probably one day each, by my estimate – to examine the  
15 Plaintiff regarding his tort claims. Each co-defendant is separately represented.

16       6.     On June 15, 2011, this Court denied the Plaintiff's motions to compel Ms.  
17 Spears to submit to a psychological examination and to produce certain confidential  
18 documents. At the conclusion of that day's discovery motion hearing, the Court directed  
19 the parties to schedule a Mandatory Settlement Conference in Department 18. Counsel for  
20 all parties then met and discussed their availability over the summer of 2011. Given the  
21 scheduling conflicts of multiple parties, it was agreed that the MSC would take place on  
22 September 16, 2011. In that discussion, I requested dates for the resumption of Lutfi's  
23 deposition. Mr. Schleimer responded that he is a sole practitioner with a very heavy  
24 upcoming discovery, pretrial and trial schedule that summer, so he could not at that time  
25 provide any dates for the resumed Lutfi deposition prior to the MSC.

26       7.     The Mandatory Settlement Conference was conducted by Judge Bendix on  
27 September 16, 2011. It did not produce a settlement. While at the MSC, I told Mr.  
28 Schleimer I needed available dates to resume his client's deposition should the case not

1 settle. He did not provide me any dates. The MSC did not produce a settlement although a  
2 further Mandatory Settlement Conference was ordered by Judge Bendix for December 14,  
3 2011.

4       8. Following the September 16, 2011 Mandatory Settlement Conference, on  
5 September 20, 2011, I wrote Mr. Schleimer a letter and served him with a Notice for  
6 Plaintiff's deposition to resume on October 11, 2011. In my cover letter I offered Mr.  
7 Schleimer several alternative dates for the resumed deposition of his client. [True and  
8 correct copies of my cover letter to Mr. Schleimer of September 20, 2011 and the enclosed  
9 Notice of Resumed Deposition are attached as Exhibits "E" and "F."]

10      9. Mr. Schleimer did not respond to my September 20 letter or deposition  
11 notice until October 5, 2011 when he emailed me a note stating that he was no longer  
12 available on October 11, 2011 due to the press of discovery in another lawsuit set for trial  
13 in November 2011. Mr. Schleimer and his client did not appear for his noticed deposition  
14 on October 11 (or on any other date). A flurry of emails followed as defense counsel  
15 attempted unsuccessfully to get Mr. Schleimer to commit to a date for his client's  
16 deposition to be resumed and completed. [True and correct copies of the emails referenced  
17 in this paragraph are attached as Exhibit "G."]

18      10. In October 2011, I reserved in this Court the earliest available date for a  
19 discovery motion, November 28, 2011. On October 27, 2011, I emailed Mr. Schleimer  
20 that I would serve and file on the last possible date, November 1, 2011, a motion to compel  
21 his client's deposition. I also wrote that I would take the motion off calendar if the Lutfi  
22 deposition were completed before the November 28, 2011 hearing date. [True and correct  
23 copies of the emails with Mr. Schleimer referenced in this paragraph are attached as  
24 exhibit "H."]

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1       11. As of the date this declaration is being finalized and executed, the Lutfi  
2 deposition has neither been resumed nor completed.

3 I declare under penalty of perjury under the laws of the State of California that the  
4 foregoing is true and correct, and that I executed this declaration on November 1, 2011, at  
5 Los Angeles, California.

Joel E. Boxer

110020271

EXHIBIT A

1 Joel E. Boxer - State Bar No. 50169  
jeb@birdmarella.com  
2 Bonita D. Moore - State Bar No. 221479  
bdm@birdmarella.com  
3 BIRD, MARELLA, BOXER, WOLPERT,  
NESSIM, DROOKS & LINCENBERG, P.C.  
4 1875 Century Park East, 23rd Floor  
Los Angeles, California 90067-2561  
5 Tel: (310) 201-2100 / Fax: (310) 201-2110

6 Attorneys for James P. Spears and Andrew  
7 Wallet as co-conservators of the Estate of  
Britney Jean Spears, on behalf of Defendant  
Britney Jean Spears

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

12 | SAM LUTFI, an individual, .

13 Plaintiff,

14 | VS.

15 LYNNE IRENE SPEARS, an individual;  
16 JAMES PARNELL SPEARS, an  
individual; BRITNEY JEAN SPEARS, an  
individual; and DOES 1 through 25,  
17 inclusive,

18 Defendants.

CASE NO. BC 406 904

**NOTICE OF DEPOSITION OF  
PLAINTIFF SAM LUTFI**

DATE: April 17, 2009  
TIME: 10:00 a.m.  
PLACE: 1875 Century Park East,  
23rd Floor,  
Los Angeles, CA 90067

Assigned to: Hon. Zaven V. Sinanian,  
Dept. 23

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

21 PLEASE TAKE NOTICE that, pursuant to Civ. Proc. Code § 2025.010, James P.  
22 Spears and Andrew Wallet as co-conservators of the Estate of Britney Jean Spears, on  
23 behalf of Defendant Britney Jean Spears (“Co-Conservators”), will take the deposition  
24 upon oral examination of plaintiff Sam Lutfi commencing at 10:00 a.m. on April 17, 2009,  
25 at Bird, Marella, Boxer, Wolpert, Nessim, Drooks & Lincenberg, P.C., 1875 Century Park  
26 East, 23rd Floor, Los Angeles, California 90067, (310) 201-2100, and continuing  
27 thereafter from day-to-day, excluding Saturdays, Sundays and holidays, until completed.

1       The deposition shall take place before an officer duly authorized to administer  
2 oaths. The deposition testimony may be recorded by videotape in addition to the  
3 stenographic method and may be conducted using instant visual display of testimony. The  
4 Co-Conservators reserve the right to use the videotape, as well as the stenographically  
5 recorded transcript of the deposition, at trial for any purpose.

6

7 DATED: March 11, 2009

Respectfully submitted,

8

Joel E. Boxer

9

Bonita D. Moore

10

BIRD, MARELLA, BOXER, WOLPERT,  
NESSIM, DROOKS & LINCENBERG, P.C.

11

By:



Joel E. Boxer

12

Attorneys for James P. Spears and Andrew Wallet  
as co-conservators of the Estate of Britney Jean  
Spears, on behalf of Defendant Britney Jean Spears

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## PROOF OF SERVICE

**2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age  
of 18 and not a party to the within action; my business address is Steiner Attorney Service,  
1513 Livonia Avenue, Los Angeles, California 90064.

5 On March 11, 2009, I served the following document(s) described as **NOTICE OF**  
6 **DEPOSITION OF PLAINTIFF SAM LUTFI** on the interested parties in this action as  
follows:

**7 | BY PERSONAL SERVICE:** By delivering a true copy thereof by hand to the office of the persons listed on the attached Service List.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

10 Executed on March 11, 2009, at Los Angeles, California.

Steiner Attorney Service

Melvin Steiner

1                   **SERVICE LIST**  
2                   **Lutfi v. Spears**  
3                   **Case No. BC 406904**

4       Bryan J. Freedman Esq.  
5       Freedman & Taitelman, LLP  
6       1901 Avenue Of The Stars, Suite 500  
7       Los Angeles, CA 90067  
8       Telephone: (310) 201-0005  
9       Facsimile: (310) 201-0045  
10      **Counsel for Sam Lutfi**

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**EXHIBIT B**

**From:** Bonita D. Moore  
**Sent:** Wednesday, April 08, 2009 4:43 PM  
**To:** 'Bradley Kreshek'  
**Cc:** Joel Boxer  
**Subject:** Discovery Responses/Lutfi Deposition

Brad:

Per our telephone conversation today, this confirms that the deadline for Mr. Lutfi's responses to the Co-Conservators' Request for Production - Set One, is extended to May 1. As agreed, the Co-Conservators will maintain priority as to Mr. Lutfi's deposition, and we will confer next week regarding rescheduling Mr. Lutfi's deposition to a mutually convenient date after May 1.

Sincerely,  
Bonnie

***Bonita Dombey Moore***

Bird, Marella, Boxer, Wolpert,  
Nessim, Drooks & Lincenberg, P.C.  
1875 Century Park East, 23rd floor  
Los Angeles, CA 90067  
ph: 310-201-2100 [x232]  
fax: 310-201-2110  
e-mail: [bdm@birdmarella.com](mailto:bdm@birdmarella.com)  
website: [www.birdmarella.com](http://www.birdmarella.com)  
Assistant: Beth Martin [x317]

**PRIVILEGE AND CONFIDENTIALITY NOTICE**

This message is for the sole use of the intended recipient(s) and may contain privileged or confidential information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please advise the sender by reply email that you received

DRAFT

DJB

**EXHIBIT C**

**From:** Joel Boxer [mailto:[jeb@birdmarella.com](mailto:jeb@birdmarella.com)]

**Sent:** Thursday, April 16, 2009 3:14 PM

**To:** 'Bradley Kreshek'

**Cc:** 'Leon Gladstone'

**Subject:** Rescheduled Lutfi deposition

Brad,

When you spoke recently with my colleague Bonnie Moore, our firms agreed to put off the Feb 17 noticed Lutfi depo (while maintaining our priority), and said we would discuss a rescheduled date this week.

We'd like to start the Lutfi depo on May 26. I doubt if we will finish in one day and recommend that 3 days be set aside.

Please advise promptly if the suggest dates are OK for your client and firm. If so, we'll send out a new notice. If not, please suggest several alternative blocks of dates.

Thank you.

Joel

***Joel E. Boxer***

Bird Marella Boxer Wolpert

Nessim Drooks & Lincenberg

1875 Century Park East, 23rd Floor

Los Angeles, CA 90067

Tel: 310.201.2100 [ext. 217]

Fax: 310.201.2110

*jeb@birdmarella.com*

Assistant: Valentine Baty [ext. 310]

LAW OFFICES OF  
BIRD MARELLA

*BT C*

**EXHIBIT D**

1 Joel E. Boxer - State Bar No. 50169  
jeb@birdmarella.com  
2 Bonita D. Moore - State Bar No. 221479  
bdm@birdmarella.com  
3 BIRD, MARELLA, BOXER, WOLPERT,  
NESSIM, DROOKS & LINCENBERG, P.C.  
4 1875 Century Park East, 23rd Floor  
Los Angeles, California 90067-2561  
5 Tel: (310) 201-2100 / Fax: (310) 201-2110

6 Attorneys for James P. Spears and Andrew  
7 Wallet as Co-Conservators of the Estate of  
Britney Jean Spears, on behalf of Britney Jean  
Spears

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

12 | SAM LUTFI, an individual,

13 Plaintiff,

14 | VS.

15 LYNNE IRENE SPEARS, an individual;  
16 JAMES PARNELL SPEARS, an  
individual; BRITNEY JEAN SPEARS, an  
individual; and DOES 1 through 25,  
17 inclusive.

## 18 Defendants.

CASE NO. BC 406904

**SECOND AMENDED NOTICE OF  
DEPOSITION OF PLAINTIFF SAM  
LUTFI**

**DATE:** April 25, 2011  
**TIME:** 9:30 a.m.  
**PLACE:** 1875 Century Park East,  
23rd Floor,  
Los Angeles, CA 90067

Assigned to: Hon. Zaven V. Sinanian,  
Dept. 23

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

21 PLEASE TAKE NOTICE that, pursuant to Civ. Proc. Code § 2025.010, James P.  
22 Spears and Andrew Wallet as co-conservators of the Estate of Britney Jean Spears, on  
23 behalf of Britney Jean Spears (“Co-Conservators”), will take the deposition upon oral  
24 examination of plaintiff Sam Lutfi commencing at 9:30 a.m. on April 25, 2011, at Bird,  
25 Marella, Boxer, Wolpert, Nessim, Drooks & Lincenberg, P.C., 1875 Century Park East,  
26 23rd Floor, Los Angeles, California 90067, (310) 201-2100, and continuing thereafter  
27 from day-to-day, excluding Saturdays, Sundays and holidays, until completed.

1       The deposition shall take place before an officer duly authorized to administer  
2 oaths. The deposition testimony may be recorded by videotape in addition to the  
3 stenographic method and may be conducted using instant visual display of testimony. The  
4 Co-Conservators reserve the right to use the videotape, as well as the stenographically  
5 recorded transcript of the deposition, at trial for any purpose.

6       **PLEASE TAKE FURTHER NOTICE** that the deponent is requested to produce  
7 at the deposition documents and things as follows:

8                   **I. DEFINITIONS AND INSTRUCTIONS**

9       1. Unless otherwise specified, the time period encompassed by this Request for  
10 Production is from January 1, 2006 to the present date.

11       2. "YOU," "YOUR," "PLAINTIFF" and "LUTFI." As used herein, the terms  
12 "YOU" or "YOUR" or "PLAINTIFF" or "S. LUTFI" shall refer to Sam Lutfi, the  
13 PLAINTIFF named in the caption of this action, also known as Osama Lutfi or Osama  
14 "Sam" Lutfi, and any and all PERSONS acting on his behalf or under his direction or  
15 control, including, without limitation, employees, partners, agents, investigators,  
16 representatives, independent contractors, accountants and attorneys.

17       3. "COMMUNICATION" means any conversation, discussion, letter,  
18 memorandum, meeting, note, e-mail, or other transfer of information, whether written or  
19 oral or by any other means, and includes any DOCUMENT that abstracts, digests,  
20 transcribes, or records any such COMMUNICATION.

21       4. As used herein, "COMPLAINT" shall refer to the operative First Amended  
22 Complaint filed on April 16, 2009 by PLAINTIFF in the Los Angeles Superior Court,  
23 Case No. BC 406904.

24       5. As used herein, "ACTION" shall refer to the above-titled action, *Lutfi v.  
25 Spears et al.*, Los Angeles Superior Court Case No. BC 406904, and its underlying facts  
26 and allegations.

27       6. "DOCUMENT" OR "WRITING." As used herein, the term "DOCUMENT"  
28 shall have the same meaning as "WRITING" under Cal. Evid. Code § 250 and each shall

1 be construed in the broadest sense allowed by the California Evidence Code to include,  
2 without limitation, any handwritten, printed, typewritten, recorded, electromagnetic,  
3 graphic or photographic matter or sound reproductions, however produced or reproduced,  
4 including, but not limited to, correspondence, reports, communications, memoranda,  
5 stenographic or handwritten notes, diaries or calendars, newspapers, periodicals, files,  
6 minutes or transcripts of proceedings, instructions, orders, reports, records, papers, bills or  
7 invoices, books of account, ledgers, checks, receipts, journals, emails, text messages,  
8 instant messages (IMs), data of every description relating to the events in question, disc  
9 recording, and all data or information stored on computer-readable media, such as electro-  
10 magnetic or other disks, diskettes, hard disk drives, tapes, microdrives, flash drives, solid  
11 state drives, cartridges, DVD and CD, including but not limited to software, firmware,  
12 source code, electronic mail, text messages, IMs, and any other material coming within the  
13 definition of "writing" set forth in California Evidence Code § 250. The term  
14 DOCUMENT or WRITING shall refer to any original or identical copy of the same  
15 produced by any method, and any non-identical copy (whether different from the original  
16 because of notes made in or attached to such copy, because there are multiple versions, or  
17 because there are drafts as well as final versions, or otherwise), and shall also include any  
18 of the foregoing such as were originated, prepared, transmitted or received by YOU and  
19 are in YOUR actual or constructive possession, custody, care or control. For any  
20 DOCUMENT or WRITING that is maintained in electronic form, the DOCUMENT or  
21 WRITING must be produced with its metadata intact.

22       7. If any DOCUMENTS are withheld from production based on a claim of  
23 privilege, provide a statement of the claim of privilege and all facts relied on in support  
24 thereof, INCLUDING the DOCUMENTS' author, addressees, dates, title, subject matter,  
25 all recipients of the original and any copies, its present location(s), and the specific  
26 document request to which the DOCUMENT is responsive. For each DOCUMENT  
27 withheld under a claim that it constitutes attorney-work product, also state whether it is  
28 asserted that the DOCUMENT was prepared in anticipation of litigation or for trial and, if

1 so, identify the anticipate litigation or trial upon which the assertion is based. Submit all  
2 non-privileged portions of any responsive DOCUMENTS for which claim of privilege is  
3 asserted.

4       8. If any of the DOCUMENTS requested herein have been destroyed, furnish a  
5 list identifying each such DOCUMENT, its author and addressee, each person to whom  
6 copies of the DOCUMENT were furnished, and to whom the contents thereof were  
7 communicated, a summary of the substance of the DOCUMENT, the date upon which it  
8 was destroyed, and the reason it was destroyed.

9       9. A DOCUMENT produced in response to one request need not be produced  
10 in response to any other request, but the document should be cross-referenced in response  
11 to each request to which it is responsive.

12      10. “B. SPEARS.” As used herein, “B. SPEARS” refers to Britney Jean Spears,  
13 the Conservatee.

14      11. “J. SPEARS.” As used herein, “J. SPEARS” refers to James P. Spears, who  
15 is sued in two capacities: (1) as an individual defendant accused in the Third and Fourth  
16 Causes of Action of battery and intentional infliction of emotional distress; and (2) in his  
17 representative capacity as Co-Conservator of the Estate of Britney Jean Spears.

18      12. “L. SPEARS.” As used herein, “L. SPEARS” refers to Lynne Spears,  
19 Britney Jean Spear’s mother, and an individual defendant.

20      13. “PURPORTED CONTRACT.” As used herein, the term “PURPORTED  
21 CONTRACT” means and refers to the alleged oral agreement referenced in *inter alia*  
22 paragraphs 60 and 61 of the COMPLAINT.

23      14. “STRING.” As used herein, the term “STRING” means a series of emails or  
24 text messages linked together by responses or forwards. The series of messages created  
25 through multiple responses and answers to an originating message.

26      15. “Discuss” or any other variant thereof when applied to the content of any  
27 document shall be understood to apply if the document mentions, describes, refers to,  
28

1 relates to, or in any other way deals with the subject matter described in the particular  
2 Request in which the term "discuss" or any variant thereof appears.

3       16. "INCLUDING" means including but not limited to.

4       17. "PERSON" means any natural individual and any partnership,  
5 proprietorship, firm, association, joint venture, corporation, subsidiary, government agency  
6 or division, or other entity organized for any purpose and their agents, employees,  
7 representatives, and any other PERSON acting on their behalf.

8       18. The terms "RELATE TO," "RELATING TO," and "RELATED TO" mean  
9 constituting, containing, concerning, embodying, reflecting, describing, analyzing,  
10 identifying, stating, referring to, dealing with, or in any way pertaining to, in whole or in  
11 part. Where a demand is made for inspection of DOCUMENTS that "RELATE TO" an  
12 identified DOCUMENT, the demand includes, without limitation, the identified  
13 DOCUMENT itself.

14       19. Any reference in any of these requests to any named individual, corporation,  
15 association, company, partnership, business combination, entity, or PERSON shall be  
16 deemed to include its officers, directors, agents, employees, representatives, parents,  
17 subsidiaries, affiliates, predecessors, or any other person acting on its behalf.

18       20. Wherever it is necessary to bring within the scope of these requests  
19 DOCUMENTS that might otherwise be construed to outside the scope, then (a) the use of  
20 "and" as well as "or" shall be construed both disjunctively and conjunctively; (b) the use  
21 of a verb in any tense or voice shall be construed as the use of that verb in all other tenses  
22 and voices; and (c) the singular number shall be deemed the plural.

23       21. All requests made herein shall be construed to include any supplemental  
24 DOCUMENTS responsive to these requests that are later discovered by YOU.

25       22. Each request shall be construed independently and shall not be limited by  
26 reference to any other request.

1                   **I. REQUESTS FOR PRODUCTION**

2       1. All DOCUMENTS and COMMUNICATIONS RELATING TO this  
3 ACTION, INCLUDING any drafts, notes, or calculations RELATING TO such  
4 DOCUMENTS and COMMUNICATIONS.

5       2. The WRITING quoted in paragraph 59 of the COMPLAINT.  
6       3. The STRING of emails or text messages which contains the WRITING  
7 quoted in paragraph 59 of the COMPLAINT.

8       4. All DOCUMENTS which contain, reference, quote, summarize or refer to  
9 any of the terms of the PURPORTED CONTRACT.

10      5. All DOCUMENTS which refer or relate to the PURPORTED CONTRACT.

11      6. All DOCUMENTS which refer or relate to any services performed by  
12 S. LUTFI under the PURPORTED CONTRACT.

13      7. All DOCUMENTS which refer or relate to services allegedly performed by  
14 S. LUTFI at the request of B. SPEARS.

15      8. All DOCUMENTS which refer or relate to services allegedly performed by  
16 S. LUTFI for the benefit of B. SPEARS.

17      9. All DOCUMENTS which constitute medical records of B. SPEARS,  
18 including medications prescribed and/or provided to B. SPEARS by anyone.

19      10. All DOCUMENTS which refer or relate to any drugs or medication taken by  
20 B. SPEARS or provided to B. SPEARS, whether prescribed or not.

21      11. All DOCUMENTS referencing, relating to, describing or memorializing any  
22 compensation of any kind received by S. LUTFI from any source by reason of his  
23 association with B. SPEARS.

24      12. All COMMUNICATIONS or WRITINGS which refer or relate to  
25 appointments, meetings, events or activities engaged in or arranged for by S. LUTFI  
26 relating in any way to B. SPEARS.

27      13. All DOCUMENTS relating or referring to activities undertaken or services  
28 provided by S. LUTFI while purporting to act in the capacity of B. SPEARS' manager.

1           14. All COMMUNICATIONS between S. LUTFI and any of the following  
2 PERSONS RELATING TO B. SPEARS:

- 3           (a) John Anderson
- 4           (b) Blair Berk
- 5           (c) Citygalin310
- 6           (d) John Eardley
- 7           (e) Jenny Eliscu
- 8           (f) Felix Filho
- 9           (g) Adnan Ghalib
- 10          (h) Howard Grossman
- 11          (i) Danny Haines
- 12          (j) Harvey Levin
- 13          (k) Mary Meredith
- 14          (l) Jordan Miller
- 15          (m) Francois Navarre
- 16          (n) Stuart Richards
- 17          (o) Roberta Romero
- 18          (p) Michael Sands
- 19          (q) Alli Sims
- 20          (r) B. SPEARS
- 21          (s) J. SPEARS
- 22          (t) L. SPEARS
- 23          (u) Gary Scott Stiffelman
- 24          (v) Johnny Wright
- 25          (w) Jennifer Wulff

26         15. All COMMUNICATIONS between S. LUTFI and any of the following  
27 PERSONS RELATING TO B. SPEARS:

- 28           (a) BreatheHeavy.com

- 1                             (b)    E! Online  
2                             (c)    GossipGirls.com  
3                             (d)    People.com  
4                             (e)    PerezHilton.com  
5                             (f)    TMZ.com  
6                             (g)    X17.com

7         16.    All COMMUNICATIONS between S. LUTFI and any other PERSON  
8    RELATING TO B. SPEARS.

9         17.    All COMMUNICATIONS between S. LUTFI and any other PERSON  
10   RELATING TO J. SPEARS.

11         18.    All COMMUNICATIONS between S. LUTFI and any other PERSON  
12   RELATING TO L. SPEARS.

13         19.    The monthly invoices for all cell phones ever utilized by S. LUTFI to  
14   communicate by voice, email, text message or otherwise with any PERSON listed in  
15   Request Nos. 13 and 14.

16         20.    The monthly invoices for all cell phones ever utilized by S. LUTFI to  
17   communicate by voice, email, text message or otherwise with any PERSON at the  
18   following telephone numbers:

- 19                             a.    (949) 973-8028  
20                             b.    (310) 985-3456  
21                             c.    (310) 210-0655  
22                             d.    (310) 953-3860  
23                             e.    (310) 973-8028  
24                             f.    (267) 979-1551  
25                             g.    (847) 240-2842

26         21.    All COMMUNICATIONS between S. LUTFI and any PERSON at the  
27   telephone numbers listed in Request No. 19, RELATING TO B. SPEARS.

22. All audio recordings in any format (other than commercially sold music albums) constituting recordings of the voices of B. SPEARS or J. SPEARS or L. SPEARS or any other PERSON referring to B. SPEARS.

4 NOTE: Such audio recordings would include recordings and any telephone  
5 conversations taken with or without the permission of the PERSON on the other end of the  
6 line, and would include in-PERSON recordings and recordings of voicemail messages.

8 | DATED: March 16, 2011 Respectfully submitted,

**Joel E. Boxer  
Bonita D. Moore  
BIRD, MARELLA, BOXER, WOLPERT,  
NESSIM, DROOKS & LINCENBERG, P.C.**

By:

Joel E. Boxer

Atorneys for James P. Spears and Andrew Wallet  
as Co-Conservators of the Estate of Britney Jean  
Spears, on behalf of Britney Jean Spears

## PROOF OF SERVICE

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1875 Century Park East, 23rd Floor, Los Angeles, California 90067-2561.

On March 16, 2011, I served the following document(s) described as **SECOND AMENDED NOTICE OF DEPOSITION OF PLAINTIFF SAM LUTFI** on the interested parties in this action as follows:

**BY MAIL:** By placing a true copy thereof in sealed envelopes addressed to the parties listed on the attached Service List and causing them to be deposited in the mail at Los Angeles, California. The envelopes were mailed with postage thereon fully prepaid. I am readily familiar with our firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Executed on March 16, 2011, at Los Angeles, California.

Beth Martin

Beth Martin

1  
2                   **SERVICE LIST**  
3                   **Lutfi v. Spears**  
4                   **Case No. BC 406904**

5                   Donald L. Mabry                   Michael Samuel Adler  
6                   Leon J. Gladstone               Tantalo & Adler LLP  
7                   Gladstone Michel Weisberg Willner &  
8                   Sloane, ALC                       1901 Avenue of the Stars, Suite 1000  
9                   4551 Glencoe Avenue, Suite 300   Los Angeles, California 90067-6012  
10                  Marina del Rey, CA 90292      Telephone: (310) 734-8694  
11                  Telephone: (310) 821-9000       Facsimile: (310) 734-8696  
12                  Facsimile: (310) 775-8775       **Counsel for Defendant Lynne Spears**  
13                  **Counsel for Defendant James P. Spears,**  
14                  **Individually**

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## **PROOF OF SERVICE**

**2 | STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the County of Los Angeles, State of California. I am over the age  
4 of 18 and not a party to the within action; my business address is Steiner Attorney Service,  
1513 Livonia Avenue, Los Angeles, California 90064.

5 On March 16, 2011, I served the following document(s) described as **SECOND**  
6 **AMENDED DEPOSITION OF PLAINTIFF SAM LUTFI** on the interested parties in  
this action as follows:

**7 BY PERSONAL SERVICE:** By delivering a true copy thereof by hand to the office of the persons listed on the attached Service List.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

10 Executed on March 16, 2011, at Los Angeles, California.

Steiner Attorney Service

1                           **SERVICE LIST**  
2                           **Lutfi v. Spears**  
3                           **Case No. BC 406904**

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3 Joseph D. Schleimer  
4 9401 Wilshire Blvd., Suite 1250  
4 Beverly Hills, CA 90212  
5 Telephone: (310) 273-9807  
5 Facsimile: (310) 273-9809  
**Attorney for Sam Lutfi**



# BIRD MARELLA

BIRD • MARELLA • BOXER • WOLPERT • NESSIM • DROOKS & LINCENBERG

A PROFESSIONAL CORPORATION

Joel E. Boxer

jeb@birdmarella.com

1875 Century Park East, 23rd Floor  
Los Angeles, California 90067-2561  
Telephone (310) 201-2100  
Facsimile (310) 201-2110  
[www.BirdMarella.com](http://www.BirdMarella.com)

September 20, 2011

File 3565.2

BY EMAIL: [schleimerlaw@msn.com](mailto:schleimerlaw@msn.com)  
and U.S. MAIL

Joseph D. Schleimer  
9401 Wilshire Blvd., Suite 1250  
Beverly Hills, CA 90212

Re: **Lutfi v. Spears, et al.**  
**LASC Case No. BC 406904**

Dear Joe:

As I briefly mentioned when we met last week at the Mandatory Settlement Conference before Judge Bendix, if this case did not settle we would need to schedule as soon as possible the resumption and completion of plaintiff's deposition. Obviously, the dispute did not settle so I am serving a formal notice for the resumption of the Lutfi deposition.

Defense counsel are available starting Tuesday, October 11, 2011 and that is the date stated on the enclosed deposition notice. If you or your client have calendar conflicts on that date, defense counsel are willing to move the start date to October 12, 13, 14 or 18, 2011. Please advise by the close of business next Monday, September 26, 2011 if you wish to move the deposition start date.

Two collateral issues:

1. Number of days of deposition testimony: By proceeding with the resumed deposition in October you are not waiving plaintiff's arguments that your client's deposition should consume no more than one or two days; defendants are not waiving any arguments that the deposition should continue longer to give each defendant the right to question your client through counsel of his or her own choosing.

2. Presence of James Spears: You have requested in the past that defendant James Spears not be present at the Lutfi deposition; his counsel maintains his client has an absolute right to be present. Given that Mr. Spears is currently scheduled to be out of the country for the dates the Lutfi deposition will resume, this is a non-issue since

*[Handwritten signature]*

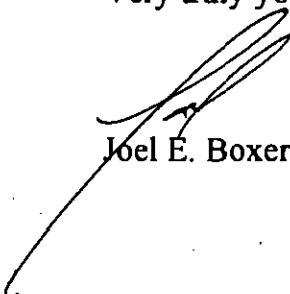
**BIRD MARELLA**

BIRD • MARELLA • BOXER • WOLPERT • NESSIM • BROOKS & LINCENBERG

Joseph D. Schleimer  
September 20, 2011  
Page 2

Mr. Spears is not available to attend the resumption of the Lutfi deposition. If this changes, I will notify you in writing at least three days in advance.

Very truly yours,

  
Joel E. Boxer

JEB:vmb  
Enclosure

cc: Michael S. Adler, Esq. (w/encl.)  
Leon J. Gladstone, Esq. (w/encl.)  
Gary R. Wallace, Esq. (w/encl.)  
Bonita D. Moore, Esq. (w/encl.)

310877.1



1 Joel E. Boxer - State Bar No. 50169  
jeb@birdmarella.com  
2 Bonita D. Moore - State Bar No. 221479  
bdm@birdmarella.com  
3 BIRD, MARELLA, BOXER, WOLPERT,  
NESSIM, DROOKS & LINCENBERG, P.C.  
4 1875 Century Park East, 23rd Floor  
Los Angeles, California 90067-2561  
5 Tel: (310) 201-2100 / Fax: (310) 201-2110

6 Attorneys for James P. Spears and Andrew  
7 Wallet as Co-Conservators of the Estate of  
Britney Jean Spears, on behalf of Defendant  
Britney Jean Spears

8

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

11

12 | SAM LUTFI, an individual,

13 Plaintiff,

14 |

vs.

15 LYNNE IRENE SPEARS, an individual;  
16 JAMES PARNELL SPEARS, an  
individual; BRITNEY JEAN SPEARS, an  
individual; and DOES 1 through 25,  
17 inclusive.

18 | Defendants.

CASE NO. BC 406 904

**NOTICE OF RESUMED DEPOSITION  
OF PLAINTIFF SAM LUTFI**

**DATE:** October 11, 2011  
**TIME:** 10:00 a.m.  
**PLACE:** 1875 Century Park East,  
23rd Floor,  
Los Angeles, CA 90067

Assigned to: Hon. Zaven V. Sinanian,  
Dept. 23

Action filed: February 3, 2009  
Trial Date: January 23, 2012

22

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

23 PLEASE TAKE NOTICE that, pursuant to Civ. Proc. Code § 2025.010, James P.  
24 Spears and Andrew Wallet as co-conservators of the Estate of Britney Jean Spears, on  
25 behalf of Defendant Britney Jean Spears (“Co-Conservators”), will resume taking the  
26 deposition upon oral examination of plaintiff Sam Lutfi commencing at 10:00 a.m. on  
27 October 11, 2011, at Bird, Marella, Boxer, Wolpert, Nessim, Drooks & Lincenberg, P.C.,  
28 1875 Century Park East, 23rd Floor, Los Angeles, California 90067, (310) 201-2100, and

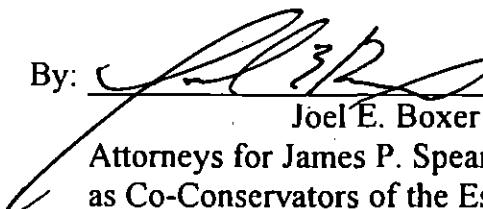
1 continuing thereafter from day-to-day, excluding Saturdays, Sundays and holidays, until  
2 completed.

3 The deposition shall take place before an officer duly authorized to administer  
4 oaths. The deposition testimony may be recorded by videotape in addition to the  
5 stenographic method and may be conducted using instant visual display of testimony. The  
6 Co-Conservators reserve the right to use the videotape, as well as the stenographically  
7 recorded transcript of the deposition, at trial for any purpose.

8

9 DATED: September 20, 2011

Joel E. Boxer  
Bonita D. Moore  
BIRD, MARELLA, BOXER, WOLPERT,  
NESSIM, DROOKS & LINCENBERG, P.C.

12 By:   
13 Joel E. Boxer

14 Attorneys for James P. Spears and Andrew Wallet  
15 as Co-Conservators of the Estate of Britney Jean  
16 Spears, on behalf of Defendant Britney Jean Spears

17  
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## PROOF OF SERVICE

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1875 Century Park East, 23rd Floor, Los Angeles, California 90067-2561.

5 On September 20, 2011, I served the following document(s) described as **NOTICE**  
6 **OF RESUMED DEPOSITION OF PLAINTIFF SAM LUTFI** on the interested parties  
in this action as follows:

7 **BY MAIL:** By placing a true copy thereof in sealed envelopes addressed to the parties  
8 listed on the attached Service List and causing them to be deposited in the mail at Los  
9 Angeles, California. The envelopes were mailed with postage thereon fully prepaid. I am  
10 readily familiar with our firm's practice of collection and processing correspondence for  
mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary  
course of business. I am aware that on motion of party served, service is presumed invalid  
if postal cancellation date or postage meter date is more than one day after date of deposit  
for mailing affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

13 Executed on September 20, 2011, at Los Angeles, California.

Los Angeles, California.

1  
2                   **SERVICE LIST**  
3                   **Lutfi v. Spears**  
4                   **Case No. BC 406904**

5                   **Leon J. Gladstone**  
6                   Gary R. Wallace  
7                   Gladstone Michel Weisberg  
8                   Willner & Sloane, ALC  
9                   4551 Glencoe Avenue, Suite 300  
10                  Marina del Rey, CA 90292  
11                  Telephone: (310) 821-9000  
12                  Facsimile: (310) 775-8775  
13                  **Counsel for Defendant James P. Spears,  
14                  Individually**

15                  **Joseph D. Schleimer**  
16                  9401 Wilshire Blvd., Suite 1250  
17                  Beverly Hills, CA 90212  
18                  Telephone: (310) 273-9807  
19                  Facsimile: (310) 273-9809  
20                  **Attorney for Sam Lutfi**

21                  **Michael Samuel Adler**  
22                  Tantalo & Adler LLP  
23                  1901 Avenue of the Stars, Suite 1000  
24                  Los Angeles, California 90067-6012  
25                  Telephone: (310) 734-8694  
26                  Facsimile: (310) 734-8696  
27                  **Counsel for Defendant Lynne Spears**



**Joel Boxer**

**From:** Joel Boxer  
**Sent:** Thursday, October 06, 2011 5:08 PM  
**To:** 'Joseph Schleimer'  
**Cc:** Bonita D. Moore; Michael S. Adler, Esq.; Joel Tantalo Esq.; Leon Gladstone Esq.; Gary R. Wallace, Esq.  
**Subject:** RE: Lutfi v Spears--deposition of Lutfi  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed  
Joe

I understand from yesterday's emails that you are not available Oct 11 or Oct 12 for resumption of plaintiff's deposition. I previously suggested Oct. 13 among other alternative dates for the Lutfi deposition; you obviously were also available that date when you recently noticed James Spears' deposition for Oct 13.

Are you now willing to commit to resumption of the Sam Lutfi deposition at 10am on Oct 13 at my office? If you are, please confirm by 3 p.m. tomorrow (because I plan on leaving early for Yom Kippur) so other defense counsel and I can plan for next week.

Thank you,  
Joel

**Joel E. Boxer**  
Bird Marella Boxer Wolpert  
Nessim Drooks & Lincenberg  
1875 Century Park East, 23rd Floor  
Los Angeles, CA 90067  
Tel: 310.201.2100 [ext. 217]  
Fax: 310.201.2110  
jeb@birdmarella.com

---

**From:** Joseph Schleimer [mailto:schleimerlaw@msn.com]  
**Sent:** Wednesday, October 05, 2011 4:05 PM  
**To:** Leon Gladstone Esq.  
**Cc:** Bonita D. Moore; Joel Boxer; Gary R. Wallace, Esq.; Michael S. Adler, Esq.; Joel Tantalo Esq.  
**Subject:** RE: Lutfi v Spears--deposition

Dear Leon:

I rejected October 11 for depositions in my other case due to the Lutfi deposition set for that date. I presume the Judge (Discovery Referee) was aware I had a conflict. However, there was no oral hearing, so I don't know if he focused on that or not. October 11 is the *discovery cut-off* in the other case, so there was nothing to be done; I now have three court-ordered depositions in that case in one day.

As concerns October 12, I have a medical procedure that morning, and cannot participate in a deposition.

Incidentally, I was never consulted about October 11 for Mr. Lutfi's deposition and I never agreed to consecutive days. Joel Boxer just picked the date and served notice. I was free and so was Mr. Lutfi, so I tried to keep October 11 open. Fact is, I wanted to get in a second day of the deposition of my client, because I have a jury trial in November, so the latter part of this month is booked solid with expert

EX C

depositions and pretrial deadlines and I wanted to get a day of Mr. Lutfi's deposition out of the way before all that stuff closed in on me. No such luck.

Incidentally, I am close to settling the other case. If that happens, I will have loads of free time this month to produce Mr. Lutfi. If it doesn't settle, I am going to be very pinched for time indeed, so please be patient.

Best regards,

**Joseph D. Schleimer**

**Attorney at Law**

9401 Wilshire Boulevard, Suite 1250

Beverly Hills, California 90212

Telephone: (310) 273-9807

Telecopier: (310) 273-9809

---

Subject: Re: Lutfi v Spears--deposition

From: [lgladstone@gladstonemichel.com](mailto:lgladstone@gladstonemichel.com)

Date: Wed, 5 Oct 2011 15:41:32 -0700

CC: [jeb@birdmarella.com](mailto:jeb@birdmarella.com); [bdm@birdmarella.com](mailto:bdm@birdmarella.com); [gwallace@gladstonemichel.com](mailto:gwallace@gladstonemichel.com); [madler@ta-ilp.com](mailto:madler@ta-ilp.com); [jtantalo@ta-ilp.com](mailto:jtantalo@ta-ilp.com)

To: [schleimerlaw@msn.com](mailto:schleimerlaw@msn.com)

Joe:

By any chance did you tell the judge in the other case that you have client with a longstanding obligation to attend a deposition in October 11? The Lutfi deposition is scheduled to continue from day to day until completed. Without waiving the right to compel Mr. Lutfi's attendance on October 11, is he available on October 12? Please be advised I am making these inquiries of you as part of "meeting and conferring."

Leon Gladstone, Esq  
Gladstone Michel  
Weisberg Willner & Sloane  
4551 Glencoe Ave, Suite 300  
Marina del Rey, CA 90292  
tel (310) 821-9000  
fax (310) 775-8775  
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NOTE: The information contained in this email message may contain attorney-client privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by return e-mail and delete the original message. Thank you.

On Oct 5, 2011, at 3:32 PM, Joseph Schleimer wrote:

Dear Joel:

I just received an Order to Compel three depositions in another case for October 11, 2011.

We will have to reschedule the resumption of Mr. Lutfi for another day. I will consult with my client and provide you with a new date.

Very truly yours,

**Joseph D. Schleimer**  
**Attorney at Law**  
9401 Wilshire Boulevard, Suite 1250  
Beverly Hills, California 90212  
Telephone: (310) 273-9807  
Telecopier: (310) 273-9809

14082802001



**Joel Boxer**

---

**From:** Joel Boxer  
**Sent:** Thursday, October 27, 2011 2:28 PM  
**To:** 'Joseph Schleimer'  
**Cc:** Bonita D. Moore; Leon Gladstone Esq.; Gary R. Wallace, Esq.; Michael S. Adler, Esq.; Joel Tantalo Esq.  
**Subject:** RE: Lutfi v Spears--Lutfi deposition  
  
Joe

Per your invitation below, Defendants select Monday, Nov. 7 as the resumption date for the Plaintiff's deposition at my office, 9:30 a.m. start. We expect this deposition to go day to day until completed, which I estimate will be 3-4 more days. [We understand Plaintiff and Defendants disagree on how long this deposition should take. By agreeing on a Nov. 7 resumption date, no party is waiving any rights it may have to seek any available court relief or orders.]

If your trial does not settle by Nov 4, defense counsel understand you will not be able to attend or produce your client for his resumed deposition on Nov. 7. Please confirm, however, that but for your trial, you and your client will appear here on November 7, 2011 at 9:30 a.m. for the resumption of Mr. Lutfi's deposition.

Joel

**Joel E. Boxer**  
Bird Marella Boxer Wolpert  
Nessim Drooks & Lincenberg  
1875 Century Park East, 23rd Floor  
Los Angeles, CA 90067  
Tel: 310.201.2100 [ext. 217]  
Fax: 310.201.2110  
[jeb@birdmarella.com](mailto:jeb@birdmarella.com)

---

**From:** Joseph Schleimer [mailto:[schleimerlaw@msn.com](mailto:schleimerlaw@msn.com)]  
**Sent:** Thursday, October 27, 2011 9:53 AM  
**To:** Joel Boxer  
**Cc:** Bonita D. Moore; Leon Gladstone Esq.; Gary R. Wallace, Esq.; Michael S. Adler, Esq.; Joel Tantalo Esq.  
**Subject:** Lutfi v Spears--Lutfi deposition

Hi Joel:

My other case is in an active shuttle mediation. Today I am filing massive papers for the Final Status Conference, which is next Tuesday.

You seem intent on moving to compel no matter what I do, so I'm not sure what the purpose of a hypothetical deposition date is. But you want one, so pick two consecutive dates in November and I shall try to accomodate. If my case settles, the whole month is open and I should be able to produce Mr. Lutfi on your dates. If I am in trial, I will just have to cancel.

Very truly yours,

**Joseph D. Schleimer**  
Attorney at Law

11/1/2011



9401 Wilshire Boulevard, Suite 1250  
Beverly Hills, California 90212  
Telephone: (310) 273-9807  
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---

From: jeb@birdmarella.com  
To: schleimerlaw@msn.com  
CC: bdm@birdmarella.com; lgladstone@gladstonemichel.com; madler@ta-lip.com; jtantalo@ta-lip.com; gwallace@gladstonemichel.com  
Date: Thu, 27 Oct 2011 09:34:42 -0700  
Subject: RE: Lutfi v Spears--Lutfi deposition

Joe

I've not heard from you in a week (see your email below) so I assume you are not willing and/or able at this time to propose new dates for the resumed Lutfi deposition. Are you willing to propose tentative dates for the Lutfi deposition resumption with the understanding that if your other case does not settle and goes to trial in early November, the Lutfi depo dates will be vacated?

I want to notify you that I have reserved Monday, November 28 for a motion to compel which will be filed and hand served on you next week. If the Lutfi deposition is completed before the hearing date, I will take the discovery motion off calendar.

Also, given the delay in taking your client's deposition because of your unavailability and in light of the looming pretrial deadlines and cutoffs, defense counsel believe that the trial should be delayed so orderly discovery can take place after key depositions are taken. Would you be willing to join the other parties in requesting a brief -- two to four month -- trial continuance? Please advise.

**Joel E. Boxer**  
Bird Marella Boxer Wolpert  
Nessim Drooks & Lincenberg  
1875 Century Park East, 23rd Floor  
Los Angeles, CA 90067  
Tel: 310.201.2100 [ext. 217]  
Fax: 310.201.2110  
jeb@birdmarella.com

---

**From:** Joseph Schleimer [mailto:schleimerlaw@msn.com]  
**Sent:** Thursday, October 20, 2011 3:06 PM  
**To:** Joel Boxer  
**Cc:** Bonita D. Moore; Leon Gladstone Esq.; Michael S. Adler, Esq.; Joel Tantalo Esq.; Gary R. Wallace, Esq.  
**Subject:** Lutfi v Spears--Lutfi deposition

Dear Joel:

I am up to my eyeballs in motions in limine in my other case, which is set for a jury trial November 8, 2011.

My evidence of willful wrongdoing in that case is powerful, the Defendants' evidence is non-existent or contrived, and I expect them to settle on the courthouse steps. However, I am paralyzed in my ability to produce Mr. Lutfi for deposition in the near future because of the intensity of activity in that case.

As I previously promised, when my other case settles (and I am confident it will), I will notify you immediately and

produce Mr. Lutfi for deposition. In the meantime, I beg for patience. I am a sole practitioner, in my other case I am up against two huge law firms with eight lawyers arrayed against me, and I am already working 16 hour days, seven days a week.

*Please be patient.*

Very truly yours,

**Joseph D. Schleimer**

**Attorney at Law**

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Beverly Hills, California 90212

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---

From: jeb@birdmarella.com  
To: schleimerlaw@msn.com  
CC: bdm@birdmarella.com; lgladstone@gladstonemichel.com; madler@ta-lip.com; jtantalao@ta-lip.com;  
gwallace@gladstonemichel.com  
Date: Thu, 20 Oct 2011 14:09:28 -0700  
Subject: Lutfi v Spears--Lutfi deposition

Joe,

None of the defense attorneys have heard from you about rescheduling the resumption of the plaintiff's deposition since your email to Gary Wallace on October 11 (see copy below). Defendants would like to avoid burdening the Court with a motion to compel your client's deposition but we are approaching the point when we will have no other choice.

Please note that if/when you decide to suggest dates for producing your client for resumption of his deposition, the choice of new dates cannot be unilateral on your part. Rescheduling this deposition will have to take into consideration not just your side's availability but the calendar conflicts of three defense counsel law firms and the clients.

We on the defense side hope to hear from you very soon--by tomorrow or Monday, if possible--with multiple alternative suggested dates for the resumption of this deposition.

Best,

Joel

*Joel E. Boxer*

Bird Marella Boxer Wolpert

Nessim Drooks & Lincenberg

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Los Angeles, CA 90067

Tel: 310.201.2100 [ext. 217]

Fax: 310.201.2110

jeb@birdmarella.com

---

From: Joseph Schleimer [mailto:schleimerlaw@msn.com]

Sent: Tuesday, October 11, 2011 4:13 PM

To: Gary R. Wallace, Esq.

Cc: Joel Boxer; Bonita D. Moore; Leon Gladstone Esq.; Michael S. Adler, Esq.; Joel Tantalo Esq.

Subject: Lutfi v Spears--James Parnell deposition

Gary:

11/1/2011

If my other case settles, I will try to produce Sam for two consecutive days later this month.

Nobody has stipulated to an particular length, but obviously you are entitled to examine him about the assault and battery.

Joe

**Joseph D. Schleimer**

**Attorney at Law**

9401 Wilshire Boulevard, Suite 1250

Beverly Hills, California 90212

Telephone: (310) 273-9807

Telecopier: (310) 273-9809

---

Subject: Re: Lutfi v Spears--James Parnell deposition

From: gwallace@gladstonemichel.com

Date: Tue, 11 Oct 2011 16:00:51 -0700

CC: jeb@birdmarella.com; bdm@birdmarella.com; lgladstone@gladstonemichel.com; madler@ta-ilp.com; jtantalo@ta-ilp.com

To: schleimerlaw@msn.com

Joe -

With respect to your client's deposition, I see in your email (below) that you state you are trying to produce Mr. Lutfi for a second session of his deposition this month. So as to avoid any possible misunderstanding, please be advised that a second session (if you are defining that as one additional day) will not likely be sufficient for the purposes of all defense counsel. It is my understanding that Joel Boxer has about one full day, possibly more, of questioning. At that point, both Mr. Adler and my office will be permitted to question Mr. Lutfi. I understand that Mr. Adler will have questions (I am not sure at this time how many or how long). My office also has a fairly extensive outline of questions for Mr. Lutfi, which will probably last more than a few hours. In other words, I believe that Mr. Lutfi should reasonably expect that there are *at least* two more full days of questioning planned by defense counsel for Mr. Lutfi. Again, this should not come as a surprise to you or your client. After all, Mr. Lutfi has sued three different people in this action, alleging different theories arising from different facts, and has alleged "seven figure" damage amounts. Mr. Boxer's deposition notice also specified that the deposition would continue from day to day until completed. It should go without saying, however, that none of us intend to extend the deposition for any longer than necessary.

If you disagree with any of the above statements, please let us know now. Otherwise, we will assume that you will advise your client that he needs to provide us with multiple days of availability, and that the questioning will come from all defense counsel, in turn.

Regarding Jamie Spears' deposition, as all of us have previously advised you, Jamie will not be available for a deposition until the week of December 12. He is extremely busy assisting, coordinating and supervising nearly every aspect of Britney's world-wide concert tour. It is an enormous project and it consumes nearly every waking minute of his day. Britney's (and therefore Jamie's) schedule is packed with concerts, rehearsals, meetings and/or some form of travel nearly every day. Jamie, as you know, is Britney's co-conservator and father. These considerable responsibilities leave virtually no time for him to focus his attention on a deposition until he has returned to the United States. To his credit, he has indicated a willingness to be deposed promptly upon his return. Accordingly, there is no game-playing on our part. He will sit for his deposition as soon as he is able.

Gary

Gary R. Wallace  
Gladstone Michel Weisberg Willner & Sloane, ALC

4551 Glencoe Ave., Suite 300  
 Marina del Rey, CA 90292  
 Tel. (310) 821-9000  
 Fax (310) 775-8775  
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On Oct 10, 2011, at 6:14 PM, Joseph Schleimer wrote:

Dear Joel:

Will you produce James Parnell Spears for a videoconference deposition from London, or not? I might construe your email as a "no": but I would like a clear record that you are refusing to produce him before I move to compel.

While you are at it, please explain to me why James Parnell can't spend a few hours in a videoconference room in London answering questions under oath? Assuming a modicum of cooperation from witness and counsel, my time estimate for Mr. Spears' deposition is three to four hours.

I already informed you I am trying to produce Mr. Lutfi for a second session of his deposition this month. If my eve-of-trial case settles, you will have an array of dates to choose from. Settlement talks in my other case are ongoing -- they increased their offer by six figures on Friday. My client in that case is famous and the Defendants ripped her off. I expect they will settle rather than face a jury trial, which is just a couple of weeks away. When that case settles, I will produce Mr. Lutfi for deposition immediately.

Joseph D. Schleimer  
 Attorney at Law  
 9401 Wilshire Boulevard, Suite 1250  
 Beverly Hills, California 90212  
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From: [jeb@birdmarella.com](mailto:jeb@birdmarella.com)  
 To: [schleimerlaw@msn.com](mailto:schleimerlaw@msn.com)  
 CC: [bdm@birdmarella.com](mailto:bdm@birdmarella.com); [lgladstone@gladstonemichel.com](mailto:lgladstone@gladstonemichel.com); [gwallace@gladstonemichel.com](mailto:gwallace@gladstonemichel.com); [madler@ta-ilp.com](mailto:madler@ta-ilp.com); [itantalo@ta-ilp.com](mailto:itantalo@ta-ilp.com)  
 Date: Mon, 10 Oct 2011 17:47:54 -0700  
 Subject: RE: Lutfi v Spears-James Parnell deposition

Joe,

Your facts are incorrect.

James Spears, as you knew at the Friday, September 16, 2011 MSC, left for the European tour late that afternoon and is returning to the Los Angeles area promptly after the last foreign concert the week of December 12. That's specifically why the continued MSC was scheduled for December 14. James was already out of the country when you first inquired later in September (in response to my noticing the resumption of the Lutfi depo) about October dates for his depo, which you were told were not available because he was already abroad managing the Britney Spears tour

The tour schedule you attached to your email below covers only future months, not the entire tour or its September concert dates. [When I sent you the link, I thought you wanted only future tour dates not historical data; this is why I directed you to Britney Spears' website offering tour tickets for sale.] If you

need to confirm the September dates for the European tour, just use Google. You will see the tour started on September 22 in Russia.

Given the prejudice to our clients from your proposal outlined in your October 8 email below (which, among other problems, rests on a foundation of incomplete and inaccurate factual assertions), my office will not stipulate to it .

This email is part of our effort to meet and confer. You have to date failed to offer dates to complete the Lutfi deposition but instead persist in taking James Spears' deposition when you know he is unavailable. If we cannot agree to dates for the Lutfi deposition so that it is resumed and completed by October 31, 2011, our firm (joined by other defense counsel) will move the court to compel and for any available sanctions, including but not limited to monetary sanctions.

Joel

Joel E. Boxer  
Bird Marella Boxer Wolpert  
Nessim Drooks & Lincenberg  
1875 Century Park East, 23rd Floor  
Los Angeles, CA 90067  
Tel: 310.201.2100 [ext. 217]  
Fax: 310.201.2110  
[jeb@birdmarella.com](mailto:jeb@birdmarella.com)

From: Joseph Schleimer [mailto:[schleimerlaw@msn.com](mailto:schleimerlaw@msn.com)]  
Sent: Saturday, October 08, 2011 2:14 AM  
To: Joel Boxer  
Cc: Bonita D. Moore; Leon Gladstone Esq.; Gary R. Wallace, Esq.; Michael S. Adler, Esq.; Joel Tantalo Esq.  
Subject: Lutfi v Spears--James Parnell deposition

Dear Joel:

Attached is Britney's tour itinerary. You obviously knew Mr. Spears was leaving the country when I wrote to you on September 20, 2011 requesting his deposition, but you ignored my request. Moreover, when we adjourned the MSC to conduct depositions, you failed to advise of his plans at that time. You should have made arrangements so we could depose him before he left the country but you deliberately did not do so.

You can mitigate the impact of what you did as follows: I can arrange (and Mr. Spears can jolly well pay for) a videoconference deposition when he is in London later this month. This solution will require lead time, as videoconference depositions involve technical logistics and I will also need to retain a paralegal in London to handle my exhibits.

Of course, Mr. Spears can also admit he is not indispensable to the tour (he isn't), and fly home for a live deposition.

If you do not stipulate to one of the foregoing solutions, and agree on a date certain promptly, I will have no choice but to move to compel. I have no intention of allowing you to delay the deposition until a few days before the discovery cut-off.

Very truly yours,

Joseph D. Schleimer  
Attorney at Law  
9401 Wilshire Boulevard, Suite 1250  
Beverly Hills, California 90212  
Telephone: (310) 273-9807  
Telecopier: (310) 273-9809



## **PROOF OF SERVICE**

2 | STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California. I am over the age  
of 18 and not a party to the within action; my business address is 1875 Century Park East,  
4 23rd Floor, Los Angeles, California 90067-2561.

5 On November 1, 2011, I served the following document(s) described as NOTICE  
6 OF MOTION AND MOTION TO COMPEL DEPOSITION TESTIMONY OF  
7 PLAINTIFF; MEMORANDUM OF POINTS AND AUTHORITIES;  
DECLARATION OF JOEL E. BOXER on the interested parties in this action as  
follows:

8 **BY MAIL:** By placing a true copy thereof in sealed envelopes addressed to the parties  
9 listed on the attached Service List and causing them to be deposited in the mail at Los  
10 Angeles, California. The envelopes were mailed with postage thereon fully prepaid. I am  
11 readily familiar with our firm's practice of collection and processing correspondence for  
mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary  
course of business. I am aware that on motion of party served, service is presumed invalid  
if postal cancellation date or postage meter date is more than one day after date of deposit  
for mailing affidavit.

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent from e-mail address [lak@birdmarella.com](mailto:lak@birdmarella.com) to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

16 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 1, 2011, at Los Angeles, California.

Elisa Lambrix  
Elisa Lambrix

1  
2                   **SERVICE LIST**  
3                   **Lutfi v. Spears**  
4                   **Case No. BC 406904**

5                   Donald L. Mabry  
6                   Leon J. Gladstone  
7                   Gary R. Wallace  
8                   Gladstone Michel Weisberg Willner &  
9                   Sloane, ALC  
10                  4551 Glencoe Avenue, Suite 300  
11                  Marina del Rey, CA 90292  
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13                  Facsimile: (310) 775-8775  
14                  Email: dmabry@gladstonemichel.com  
15                  Email: lgladstone@gladstonemichel.com  
16                  Email: gwallace@gladstonemichel.com  
17                  **Counsel for Defendant James P. Spears,**  
18                  **Individually**

19                  Michael Samuel Adler  
20                  Tantalo & Adler LLP  
21                  1901 Avenue of the Stars, Suite 1000  
22                  Los Angeles, California 90067-6012  
23                  Telephone: (310) 734-8694  
24                  Facsimile: (310) 734-8696  
25                  Email: madler@ta-llp.com  
26                  **Counsel for Defendant Lynne Spears**

## **PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is Steiner Attorney Service, 1513 Livonia Avenue, Los Angeles, California 90064.

On November 1, 2011, I served the following document(s) described as **NOTICE OF MOTION AND MOTION TO COMPEL DEPOSITION TESTIMONY OF PLAINTIFF; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF JOEL E. BOXER** on the interested parties in this action as follows:

**8 | BY PERSONAL SERVICE:** By delivering a true copy thereof by hand to the office of the persons listed on the attached Service List.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 1, 2011, at Los Angeles, California.

Steiner Attorney Service

Melvin Steiner

**SERVICE LIST**  
**Lutfi v. Spears**  
**Case No. BC 406904**

3 Joseph D. Schleimer  
9401 Wilshire Blvd., Suite 1250  
4 Beverly Hills, CA 90212  
Telephone: (310) 273-9807  
5 Facsimile: (310) 273-9809  
**Attorney for Sam Lutfi**